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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

Case No. 05-44481-rdd

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In the Matter of:

DPH HOLDINGS CORP., ET AL.,

Debtors.

- - - - -x

U.S. Bankruptcy Court

300 Quarropas Street

White Plains, New York

June 21, 2011

10:10 AM

B E F O R E:

HON. ROBERT D. DRAIN

U.S. BANKRUPTCY JUDGE

DPH HOLDINGS CORP., ET AL.

1 THE COURT: In my view, at least. Okay.

2 MS. HAFHEY: Your Honor, one housekeeping matter? And
3 this relates back to the motions to amend and the blanks
4 that --

5 THE COURT: Yes.

6 MS. HAFHEY: -- that this Court said, prior to lunch,
7 that it may entertain the opport -- allowing the reorganized
8 debtors to be able to provide a amended exhibit so that it
9 would provide antecedent debt information in?

10 THE COURT: I don't remember -- that was not my view.
11 The issue was whether I would permit you all to amend -- to
12 make a motion to amend. I'm going to see how this exercise
13 shakes out over the next week or so --

14 MS. HAFHEY: Okay.

15 THE COURT: -- before I decide that. My view, though,
16 is that there should be some costs on any motion to amend here
17 because -- on this point. It just seems to me that it's an
18 issue that was pretty obvious and my inclination is if I allow
19 it all, the cost of responding to it would be picked up by the
20 estate.

21 I don't like repeated motions to amend where I think
22 it should have been dealt with in advance. I just -- you know,
23 if you were able to tell this to me today, I don't know why you
24 weren't able to tell it in the complaint when it was filed.

25 MS. HAFHEY: And all I can tell Your Honor is it was

DPH HOLDINGS CORP., ET AL.

1 just a matter of my client digging into its documents and --

2 THE COURT: I understand, but on the other hand,
3 that's what I had granted 180 days after the effective date of
4 the fourth plan, so that these things could be done. And they
5 weren't. So that's if I granted any leave to amend at all.
6 So --

7 MS. HAFHEY: Okay.

8 THE COURT: -- I mean, to file a motion to amend,
9 which obviously incur -- people have to spend money answering
10 or responding to.

11 MS. HAFHEY: Thank you, Your Honor.

12 THE COURT: Okay.

13 IN UNISON: Thank you, Your Honor.

14 THE COURT: You look puzzled.

15 UNIDENTIFIED SPEAKER: I am puzzled.

16 THE COURT: About what?

17 UNIDENTIFIED SPEAKER: Where we are in proceeding on
18 where there are blanks.

19 THE COURT: They don't have leave to amend.

20 UNIDENTIFIED SPEAKER: They don't have leave to amend?

21 THE COURT: Not yet. I'm not granting them.

22 UNIDENTIFIED SPEAKER: So that's the thing.

23 THE COURT: Yes.

24 (Whereupon these proceedings were concluded at 6:45 PM)

25